

REMARKS

Please reconsider the present application in view of the following remarks. The Applicant thanks the Examiner for carefully considering the present application.

Disposition of Claims

Claims 1-6 are pending in this application. Claim 1 is independent. Claims 2-6 depend, either directly or indirectly, from claim 1.

Rejections Under 35 U.S.C § 102

Claims 1 and 3-5 of the present application were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,220,038 ("Yamashita"). This rejection is respectfully traversed.

Applicant has now perfected priority in the present application by supplying a verified translation of the priority document. Thus, the effective invention date of the present application is now the filing date of the priority application, June 12, 2003.

35 U.S.C. § 102(e) reads as follows:

(e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application

filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Yamashita is a National Phase Application of PCT Application Publication No. WO2004/019082 filed June 24, 2003, which is not before the effective invention date of the present application, June 12, 2003, and thus cannot be before the invention date of the present application. Thus, Yamashita is not proper prior art under 35 U.S.C. § 102(e) to the present application.

The publication date for Yamashita is November 17, 2005, which is not more than one year prior to the effective filing date of the present application, which is the filing date of PCT Application No. JP2004/008200, which is June 11, 2004. Further, PCT Application Publication No. WO2004/019082 was published March 3, 2004, which is not more than one year prior to the effective filing date of the present application. Thus, Yamashita is not prior art under 35 U.S.C. § 102(b).

Furthermore, the publication dates of Yamashita and PCT Application Publication No. WO2004/019082 are not before the effective invention date of the present application. Thus, Yamashita and PCT Application Publication No. WO2004/019082 are also not prior art under 35 U.S.C. § 102(a).

Accordingly, withdrawal of this rejection is respectfully requested.

Rejection(s) Under 35 U.S.C § 103

Claims 2 and 6 of the present application were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamashita. This rejection is respectfully traversed.

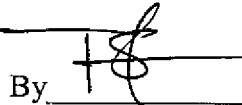
As explained above, Yamashita is not prior art to the present application. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account No. 50-0591, under Order No. 15115/179001 from which the undersigned is authorized to draw.

Dated: December 21, 2007

Respectfully submitted,

By 

Thomas K. Scherer
Registration No.: 45,079
OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicant

Attachments: Verified Translation of Priority Japanese Application No. 2003-168344 (48 pages)